

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
November 6, 2013**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Josh Gunselman took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Brad Schnarr, Vice Chairman	-Present	Bob Cook	-Present
Josh Gunselman, Secretary	-Present	Darla Blazey, Director of Community Development / Planning	-Present
		Renee Kabrick, City Attorney	-Absent

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the October 2, 2013 Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 5-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of The Presbyterian Reformed Church of Indiana (Randall Judy as owner) Brad Freeman as petitioner) for a special exception to operate a church in a B-1 (Business) zone

Brad Freeman was present to request a special exception to operate a church, The Presbyterian Reformed Church of Indiana, at the business location of 1330 Third Avenue. Mr. Freeman said there would be no modifications to the interior or exterior of the building. There is ample parking in front and on the side of the building. The worship services would be held on Sunday mornings. Mr. Freeman also operates his martial arts business at the same location during the week, evening hours only.

With no remonstrators present, Bob Cook made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a special exception to operate a church for Sunday meetings at 1330 Third Avenue. Secretary Gunselman seconded it. Motion carried 5-0.

Petition of David E. Hurm and Joan O. Hurm for a variance from Section 16.03.010 (Non-Conforming Uses of Land and Structures) and from Section 16.02.140 (Height Regulations)

Dave Hurm was present to request a variance to construct an addition onto the back of his accessory building located at 1355 W. 36th Street, which is currently a non-conforming use structure. Mr. Hurm plans to use the proposed 1,026 square-foot addition for storage.

Randy Mehringer inquired about the 5 ½ foot setback on the rear property line. Community Development and Planning Director, Darla Blazey, explained that in a residential zone, an accessory building can be placed as close as 4 feet to the rear property line if there are no easements and if the placement of the building complies with all other City zoning regulations concerning accessory buildings.

Mr. Hurm also requested a variance to allow 22 feet of height on the addition; the same height as the existing building. As stated in the Zoning Ordinance, an accessory building shall not exceed 16 feet, unless approved by the Board of Zoning Appeals.

There were no remonstrators present. Vice Chairman Schnarr made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Vice Chairman Schnarr made a motion to grant a variance from Section 16.03.010 to allow an addition to a non-conforming use. Bob Cook seconded it. Motion carried 5-0.

Vice Chairman Schnarr made a motion to grant a variance to allow the height of the proposed accessory building not to exceed 22 feet. Bob Cook seconded it. Motion carried 5-0.

Petition of Philip A. and Jennifer L. Tolbert for a variance from Section 16.02.140 (Height Regulations)

Phil Tolbert was present to request a height variance of 19 feet on a garage he plans to construct on his property. Mr. Tolbert resides at 548 E. Makena Court. Plans are to match the garage height with the pitch of the house.

There were no remonstrators present. Following some discussion, Secretary Gunselman made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 5-0.

Secretary Gunselman made a motion to grant a variance to allow the height of the proposed accessory building not to exceed 19 feet. Vice Chairman Schnarr seconded it. Motion carried 5-0.

Petition of LNO Real Estate LLC, Ken Otto (petitioner) and William J. and Karen K. Wessel (owner) hereby petition the Board of Zoning Appeals of the City of Jasper, Indiana, for a variance to allow an accessory building (Section 16.07.020(1) Accessory Use or Structure) on a vacant parcel without a primary residence and a variance to allow a height variation from Section 16.02.140 (Height Regulations) on a proposed accessory building

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Ken Otto to request a variance allowing an accessory building to be constructed on a vacant parcel of land without a primary residence. Mr. Otto is in the process of purchasing the property, which is located east of Whoderville Road. The 6,000 square-foot, three-door garage would also include a 600 square-

foot porch overhang in the front. Mr. Otto is also seeking a variance for a height of 28 feet on the building with the intent of housing a tractor, tiller and other personal storage. After the property is transferred, Mr. Otto will own all of the land surrounding the accessory building. There are no plans to build a home on the parcel.

Following some discussion and hearing no remonstrators, Bob Cook made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance to allow an accessory building without a primary residence on said property located east of Whoderville Road. Vice Chairman Schnarr seconded it. Motion carried 5-0.

Vice Chairman Schnarr made a motion to grant a variance to allow the height of the proposed accessory building not to exceed 28 feet. Bob Cook seconded it. Motion carried 5-0.

Petition of Michael J. and Patricia H. Hochgesang for a variance from Section 16.035.040 (Prohibited Signs)(4)(Visual Impairment) on the placement of a monument sign on a corner lot within area bounded by street right-of-way lines at intersection

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Michael and Patricia Hochgesang, to request a variance to place a monument sign identifying Timber Creek Subdivision on the southwest corner of County Road 150 N and Timber Creek Drive. A site plan was displayed showing the proposed location of the sign within an area bounded by the street right-of-way lines thirty-five (35) feet from the point of the intersection. This provision of the sign section of the Zoning Ordinance is to ensure that the sign does not interfere with the traffic view of any street intersection. The variance request would place the sign 15 feet closer to the intersection and approximately 16 feet from the back of the curb on Timber Creek Drive and County Road 150 N.

Discussion followed. The majority of the Board was in favor of the proposal stating the petitioner would still provide ample site clearance for oncoming traffic in that area. Board member Randy Mehringer shared his concern stating that the proposal would be the second variance allowed for the sign. A variance was also granted at last month's meeting from Section 16.035.050 (Residential Zoning Sign Standards) to allow a 7 ft. x 16ft. monument sign.

There were no remonstrators present. Vice Chairman Schnarr made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Vice Chairman Schnarr made a motion to grant a variance to allow the placement of a monument sign on the corner of Timber Creek Drive and County Road 150 N as presented. Bob Cook seconded it. Those in favor of the motion were Chairman Jerry Uebelhor, Vice Chairman Brad Schnarr, Secretary Josh Gunselman and Bob Cook. Randy Mehringer was opposed. Motion carried 4-1.

ADJOURNMENT

With no further discussion, Bob Cook made a motion to adjourn the meeting, seconded by Secretary Gunselman. Motion carried 5-0, and the meeting was adjourned at 7:29 p.m.

Jerry Uebelhor, Chairman

Josh Gunselman, Secretary

Kathy M. Pfister, Recording Secretary